
HOUSE BILL 2074

State of Washington

56th Legislature

1999 Regular Session

By Representatives Dickerson, Voloria, Wolfe, Conway, Kessler, Romero, Ogden, Kenney, Edmonds, Haigh, Kagi, McIntire, Edwards, Keiser and Santos

Read first time 02/15/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to leave to care for a newborn child; amending RCW
2 50.20.050; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read
5 as follows:

6 (1) An individual shall be disqualified from benefits beginning
7 with the first day of the calendar week in which he or she has left
8 work voluntarily without good cause and thereafter for five calendar
9 weeks and until he or she has obtained bona fide work and earned wages
10 equal to five times his or her weekly benefit amount.

11 The disqualification shall continue if the work obtained is a mere
12 sham to qualify for benefits and is not bona fide work. In determining
13 whether work is of a bona fide nature, the commissioner shall consider
14 factors including but not limited to the following:

15 (a) The duration of the work;

16 (b) The extent of direction and control by the employer over the
17 work; and

18 (c) The level of skill required for the work in light of the
19 individual's training and experience.

1 (2) An individual shall not be considered to have left work
2 voluntarily without good cause when:

3 (a) He or she has left work to accept a bona fide offer of bona
4 fide work as described in subsection (1) of this section;

5 (b) The separation was because of the illness or disability of the
6 claimant or the death, illness, or disability of a member of the
7 claimant's immediate family if the claimant took all reasonable
8 precautions, in accordance with any regulations that the commissioner
9 may prescribe, to protect his or her employment status by having
10 promptly notified the employer of the reason for the absence and by
11 having promptly requested reemployment when again able to assume
12 employment: PROVIDED, That these precautions need not have been taken
13 when they would have been a futile act, including those instances when
14 the futility of the act was a result of a recognized labor/management
15 dispatch system; ((or))

16 (c) The separation was to allow the claimant to care for the
17 claimant's newborn child under the age of one month, if the claimant
18 gave notice to the employer at least thirty days before leave to care
19 for the newborn child was expected to begin and promptly requested
20 reemployment at the end of the leave. No otherwise eligible individual
21 may be denied benefits for any week during the month in which the
22 individual is on leave for the purpose described in this subsection
23 because of RCW 50.20.010(3), 50.20.080, or 50.22.020(1) relating to
24 availability for work and active search for work, or failure to apply
25 for or refusal to accept suitable work; or

26 (d) He or she has left work to relocate for the spouse's employment
27 that is outside the existing labor market area if the claimant remained
28 employed as long as was reasonable prior to the move.

29 (3) In determining under this section whether an individual has
30 left work voluntarily without good cause, the commissioner shall only
31 consider work-connected factors such as the degree of risk involved to
32 the individual's health, safety, and morals, the individual's physical
33 fitness for the work, the individual's ability to perform the work, and
34 such other work connected factors as the commissioner may deem
35 pertinent, including state and national emergencies. Good cause shall
36 not be established for voluntarily leaving work because of its distance
37 from an individual's residence where the distance was known to the
38 individual at the time he or she accepted the employment and where, in
39 the judgment of the department, the distance is customarily traveled by

1 workers in the individual's job classification and labor market, nor
2 because of any other significant work factor which was generally known
3 and present at the time he or she accepted employment, unless the
4 related circumstances have so changed as to amount to a substantial
5 involuntary deterioration of the work factor or unless the commissioner
6 determines that other related circumstances would work an unreasonable
7 hardship on the individual were he or she required to continue in the
8 employment.

9 (4) Subsections (1) and (3) of this section shall not apply to an
10 individual whose marital status or domestic responsibilities cause him
11 or her to leave employment. Such an individual shall not be eligible
12 for unemployment insurance benefits beginning with the first day of the
13 calendar week in which he or she left work and thereafter for five
14 calendar weeks and until he or she has requalified, either by obtaining
15 bona fide work and earning wages equal to five times his or her weekly
16 benefit amount or by reporting in person to the department during ten
17 different calendar weeks and certifying on each occasion that he or she
18 is ready, able, and willing to immediately accept any suitable work
19 which may be offered, is actively seeking work pursuant to customary
20 trade practices, and is utilizing such employment counseling and
21 placement services as are available through the department. This
22 subsection does not apply to individuals covered by subsection (2) (b)
23 or ((+e)) (d) of this section.

24 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
25 conflict with federal requirements that are a prescribed condition to
26 the allocation of federal funds to the state or the eligibility of
27 employers in this state for federal unemployment tax credits, the
28 conflicting part of this act is inoperative solely to the extent of the
29 conflict, and the finding or determination does not affect the
30 operation of the remainder of this act. Rules adopted under this act
31 must meet federal requirements that are a necessary condition to the
32 receipt of federal funds by the state or the granting of federal
33 unemployment tax credits to employers in this state.

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